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Attorneys for Defendant Bank of America, N.A.

**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF ARIZONA**

Barry Kendrick,

No.

Plaintiff,

v.

NOTICE OF REMOVAL

Bank of America, N.A.,

Defendant.

PLEASE TAKE NOTICE that defendant Bank of America, N.A. (“BANA”) hereby removes to this Court an action pending in the Arizona Superior Court, Maricopa County (No. CV2015-090369) pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1332 for the reasons set out below.

1. On January 27, 2015, plaintiff Barry Kendrick (“Plaintiff”) filed an action in the Superior Court of the State of Arizona, Maricopa County, entitled *Barry Kendrick v. Bank of America, N.A.*, No. CV2015-090369 (the “Action”).

2. Removal of this Action is proper under 28 U.S.C. § 1331 because Plaintiff alleges violations of the Fair Credit Reporting Act (the “FCRA”), 15 U.S.C. § 1681, et seq., a federal law. [Complaint, ¶¶ 29-36]

3. Removal of this Action is also proper under 28 U.S.C. § 1332 because there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

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1 4. The amount in controversy exceeds \$75,000 because Plaintiff seeks specific
2 performance of a quitclaim deed transferring property to BANA. *See Cohn v. Petsmart*,
3 281 F.3d 837, 840 (9th Cir. 2002) (“[I]t is well established that the amount in controversy
4 is measured by the object of the litigation.”). Real estate website Zillow presently values
5 the real property at \$328,997. The property secures a loan with an original principal
6 balance of \$235,600.00 and a current principal balance of \$251,814.41 as of February 19,
7 2015. Thus, the value of the property is significantly in excess of \$75,000.

8 5. To the best of BANA’s knowledge and belief, Plaintiff is a citizen of the
9 State of Arizona. He alleges he is the record owner of property located in Mesa, Arizona.
10 [Complaint, ¶ 1]

11 6. BANA is a national banking association chartered under the laws of the
12 United States, which has its headquarters in, and directs, controls, and coordinates its
13 operations from, the State of North Carolina. BANA is therefore a citizen of North
14 Carolina for purposes of diversity jurisdiction.

15 7. A true and correct copy of the documents filed in the Maricopa County
16 Superior Court action (Summons, Complaint, Certificate of Arbitration, and Demand for
17 Jury Trial) are attached hereto as Exhibit A.

18 8. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b).

19 9. BANA has served a copy of this Notice of Removal on Plaintiff in
20 accordance with 28 U.S.C. § 1446(d).

21 10. This Court is part of the district and division embracing the place where this
22 action was filed – Maricopa County, Arizona. 28 U.S.C. §§ 1441, 1446. Venue is proper in
23 this district pursuant to 28 U.S.C. § 1391.

24 11. A copy of the Notice of Removal to Federal Court has been filed with the
25 Superior Court Clerk of Maricopa County in accordance with 28 U.S.C. § 1446(d), and is
26 attached hereto as Exhibit B.

27 12. This Notice is signed pursuant to Federal Rule of Civil Procedure 11 in
28 accordance with 28 U.S.C. § 1446(a).

1 DATED this 11th day of March, 2015.

2 BRYAN CAVE LLP

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4 By: s/ Eric M. Moores
5 Robert W. Shely
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9 Attorneys for Defendant Bank of America,
10 N.A.

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CERTIFICATE OF SERVICE

I hereby certify that on March 11, 2015, I electronically transmitted the attached document to the Clerk's Office using CM/ECF System for filing and mailed a copy to:

J. Roger Wood
Erin S. Iungerich
Law Offices of J. Roger Wood, PLLC
4700 South Mill Avenue, Suite 3
Tempe, AZ 85282
Attorneys for Plaintiff

s/ Lisa Remus

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